IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK H. BANKS; VAMPIRE NATION;
HEXAGON LLC.; HEXAGON RECORDS;
PLAINTIFFS,

V.
3311 EAST CARSON STREET; PAUL HULL;
BRENDAN T. CONWAY; MARY BETH BUCHANAN;
TIMOTHY PIVNICHNY; JOHN DOE; ERIC STROM;
DAVID ANDERCHAK; JOHN WISNIEWSKI;
CYNTHIA REED EDDY; TORSTEN OVE;
JOHNSON & EDDY; PITTSBURGH POST
GAZETTE; US POST OFFICE; DEPARTMENT
OF JUSTICE; UNITED STATES OF AMERICA;
THOMAS M. HARDIMAN; DAVID CHOBIT;
J. SNYDER; 950 SECOND AVENUE; COUNTY
OF ALLEGHENY, PENNSYLVANIA; RAMON
RUSTIN; CALVIN LIGHTFOOT; FRED ROSMEYER;
ROCKY FOWLER; MARY C. RUBIN; HENNE;
ALBERT DEVLIN; AND DAN ONORATO,
DEFENDANTS.

Civil Action No. 04-1771

FILED

JUL 2 9 2005

CLERK U.S. DISTRICT COURT WEST, DIST. OF PENNSYLVANIA

AMENDED COMPLAINT

AND NOW COMES the Plaintiffs, Frederick H. Banks, Vampire Nation, Hexagon LLC., and Hexagon Records who allege for their amended complaint that: The plaintiffs filed Federal Tort Claims in the amount of 75 Billion Dollars against the federal defendants which is hereby incorporated into each and every cause of action in this amended complaint as if fully set forth again; parties

- 1. The plaintiffs are Frederick H. Banks, an individual, Vampire Nation, a historical and political band, Hexagon LLC., an organization, and Hexagon Records, an organization ("Plaintiffs").
- 2. The defendants are 3311 East Carson Street, a commercial building-structure, Paul Hull, an individual and assistant US attorney, Brenden T. Comway, an individual and assistant US attorney, Mary Beth Buchanan, an individual and US attorney, Timothy Pivnichny, an individual and FBI special agent, Eric Strom, an individual and FBI special agent, John Doe, an individual and FBI special agent, David Anderchak, an individual and US postal inspector, Cynthia Reed Eddy, an individual and attorney with Johnson & Eddy, Torsten

Ove, an individual and reporter for the pittsburgh post gazette, Johnson & Eddy, an organization, Pittsburgh Post Gazette, an organization, US Post Office, an organization, Department of Justice, a government agency, and United States of America, a country ("Defendants"). The defendants acting as investigators, administrators and other implemented personal and official policies and procedures and trickery that violated the plaintiffs constitutional and due process rights and caused damage to the plaintiffs. The defendants further are 950 Second Avenue, a building structure and parking lot, the County Of Allegheny, Pennsylvania, a municipal corporation Ramon Rustin, an individual and Warden of the allegheny county jail, Calvin Lightfoot, an individual and former warden of the allegheny county jail, Fred Rosemeyer, an individual and former interim warden of the allegheny county jail, Mary C. Rubin, an individual and mail room superviso of the allegheny county jail, Rocky Fowler, an individual and mailroom staff worker of the allegheny county jail, Henne, an individual and unit manager of the allegheny county jail, Albert Devlin, an individual and correctional officer of the allegheny county jail, Dan Onorato, an individua and allegheny county chief executive officer, Thomas M. Hardiman, an individual, David Chobit, an individual and law clerk, J. Snyder, an individual and bailiff, ("Defendants"). The defendants implemented procedure at the allegheny county jail and the federal courthouse that caused damage to the plaintiffs. All parties are sued in their individual and governmental capacities respectively. The defendants obstructed the equal and impartial course of justice because of the plaintiffs class based status in pennsylvania as an African American.

IMMUNITY

3. Sovereign, prosecutorial, and qualified immunity and other is waived as the plaintiffs filed Federal Tort Claims against the Defendants who did not answer the claims and thus waived the immunity.

PART A - INVESTIGATIVE ILLEGALITIES

- 4. From on or about May 4, 2004 to August 10, 2004 acting in their investigative and procedurial capacities Paul Hull and Mary Beth Buchanan failed to dismiss duplicate superceding indictments leaving the plaintiff Banks in Jeopardy since the second superceding indictment charged the same counts with the same victims, elements and wording. One indictment though added forfeiture and sentencing allegations which the Supreme Court in Booker said was improper. On October 14, 2004 the plaintiff was convicted on both indictments a total of 14 duplicate counts a double jeopardy violation. Plaintiff Banks was sentenced to sixty months literally double the time he should have received because of the Booker violation due to the procedurial and investigative actions of the Defendants.
- 5. Accordingly in another procedurial matter a transaction involving Samantha Belfer of Action Software, said, the plaintiff Banks placed "a box" into US mail matter and that Belfer paid for the box with a \$49,999.00 cashiers check. However, Paul Hull issued a special verdict form enhancing the charged amount of \$49,999.00 to an amount just under \$300,000.00 to infringe on the plaintiff liberty by adding six levels to the plaintiffs sentencing guideline range. Paul Hull investigating and using procedures authorized by Buchanan similary repeated this procedure on counts one and two of each indictment.
- 6. In a plea agreement authored by Hull and Buchanan the Department of Justice knowingly, maliciously, intentionally and purposely added three more points to the plaintiffs base offense level going from a four to a seven to further deceive and further infringe on liberty for the purpose of nullifying the plaintiffs three points for acceptance of responsibility in further deception by these rogue government agents. This was illegally done in the Defendants

investigative and procedurial roles.

7. On or about October, 2004 while investigating the case against plaintiff Banks, after conferring with Thomas Livingston in two phone conversations and finding that the plaintiff intended to excercise his right to trial by jury, Brendan T. Conway told Livingston that the government will then supercede indict the plaintiff for excercising his right to a trial by jury.

COUNT I-IV - CONSTITUTIONAL VIOLATIONS

- 8. paragraphs 1 through 7 are hereby incorporated by reference and realledged as if fully set forth again.
- 9. By subjecting the plaintiffs to the above mentioned investigative procedure and personal, official policies the defendants acting under color of law deprived the plaintiffs of liberty, property, equal protection, due process and the right to be free from cruel and unusual punishment. The defendants acted individually and in a conspiracy together to conflict purposeful injury on the plaintiffs.
- 10. The defendants actions were knowingly, malicious, intentional, and purposely done and damaged the plaintiffs and as such they are entitled to damages pursuant to the constitution and 42 USC 1983 in the amount of 6,000,000.00 and 42 USC 1985 in the amount of 18,000,000.00 and punative damage in the amount of \$125,000,000.00. totaling \$149,000,000.00.

part B - FBI illegal search - evidence tampering - deception

- 11. During 2003 Timothy Pivnichny, John Doe, and Eric Strom performed two warrentless unresonable searches on Banks residence authorized by Paul Hull and Mary Beth Buchanan in their investigative roles. Banks did not give consent for either search and had a legitimate expectation of privacy at his home. The poisones fruits of the searches allowed Pivnichny to gain an illegal conviction against Banks and as a result Banks was damaged in that he lost 60 months of liberty, all of his personal papers and possessions and his stature in the community.
- 12. During a May 2003 raid of plaintiff Banks residence the defendants under the direction of Pivnichny, Hull and Buchanan, confiscated an Orbit II DVD/CD

burner, later during another raid in September, 2003 they confiscated a Compaq computer, and a Lexmark printer. SHortly there after the Orbit II, Compaq and Lexmark became part of the copyright infringement count in two superceding indictments against Banks. That is Pivnichny committed perjury to the grand jury by telling them Banks used the Orbit II to copy software, the compaq computer to communicate with victims and scan inserts, and the lexmark printer to print color software inserts and a global solutions check that had a color inkjetted signiture.

- 13. From on or about May 3, 2003, to October 2004 Pivnichny and others made repairs to the Orbit II to cause the Orbit to work and thus altered the outcome of the Judicial proceedings against Banks for the benefit of his career.
- 15. Timonthy Pivnichny is a con artist against Justice who frequently makes false statements and in this instance crossed the line when he tampered with evidence to gain a criminal conviction againt the plaintiff in his first case as an FBI agent. He enjoyed great pleasure in his deceitful deeds indeed.

 16. It was Pivnichny who asserted that Banks used a lexmark e3121 printer

to print in color, a printer later found to be black and white. It was Pivnichny that demonstrated and Orbit II CD / DVD copier that suddenly worked. However, Banks showed that the machine was broken through manufacturer records before Pivnichny got his hands on it and repaired it when he discovered it was broken. And it was Pivnichny that listed in the Indictment

Used in the commission of those trimes a comply computer model

1502 US Serial RIBATITITION OF However, that was not the computer Branks

even owned. Branks organized the purhase receipt from tech-depet that preves

that the temporal temporar he owned was a model 5102 US. Serial # 1070014-747-Bi

Exhibit

First Earson Street Petisburgh PA 15203, colso known as FIBF petisburgh headquaters, Bunks seeks zivic fortesture of the building through transfer of the deed to the plaintiffs. The Defendants obstructed the equal and important zourie of Justice because of the Plaintiffs zlass based status in Pennsylvania as an African American.

Count V-IX - Constitutional Violations

- 18. Paragraph) I through 17 are hereby incorporated by reference and realledged as if fully set forth again.
- 19. By subjecting the Plaintiffs to the cubour cited investigative and administration procedures, personal and afficial policies the Defendants exting under the color of law deprives the plaintiffs of constitutional rights, liberty, property, due process Equal potentian, the right to be free from unreasonable secretes and services, and the right to be free from truel and unusual ponsument. The Defendants acked individually and in a conspiracy together to inflict perposetul injury on the plaintiffs.
- 20. The defendants actions were knowingly, marticious, intentional, and purposely done and damaged the plantiffs and as such them are entitled to damages presumnt to the Fourth Amendment, The Tonstitution and 42 ust 1983 in the amount of \$175,000,000.00 and 42 ust 1985 in the amount of \$1428,000,000.00 and a forfaiture judgment of 3311 East Carson Street, and practice damages in the amount of \$14,925,000,000.00.

Part E- Relationship Interference

- 21 Perceptus 1 through 20 cric hereby incorporated by reference and realleged as if fully set forth again.
- 22. From on or about May 3, 2003 to October 14, 2004 Eynthia Reed Eddy did Ecroptly personale and knowingly engage in mideading consect toward a personn manuely Mered. The Brinds, the Plaintiffs' frame by inducing her to not associate with Frederick Brinks knowing that Brinks and Bonds were to be married in October. In further corruption with Timethy Promichny, and Paul Hull, Eddy, Kundany, and Hull acting as administrate

Plantiffs true Eddy did call firming to congredulate him on health giving the plantiff what the defendants thought he deserved. Now the tables have turned and it is Eddy who will be made to receive a civil table of her own medicine! Eddy and the defendants obstructed the equal and important course of Justice because of the plantiffs class based Status as an offernan American in Pennsylvania.

Count XI - Tortions Interference with a Relationship Constitutional violations

23 Paragraph 1 through 22 are time by incorporated by reference and realleged as if fully set forth again.

24. Plaintiff Frederick Banks had a relationship with Miredith Bondi and tray were Engaged and scheduled to be married.

25. The defendants interfered in the relationship and as a result the marriage was called off.

The plaintiff forever lost a loved one and the relationship can never be replaced. The defendants actions were knowingly; malkinishy, intentionally and purposely done and could damage to the plaintiffs and as such the plaintiffs are entitled to damages prohom to the constitution, common law terts, and 42 USC 1983 in the amount of \$100,000,000.000 and 42 USC 1985 for this evil and wanton relationship destruction in this twisted incestions civil conspiracy and purative damages in the amount of \$750,000,000 occor totaling \$850,000,000 occor part D. - postal inspectors illegal arrest and searches

27. In June and July of 2004 US pestal Inspectors 12 wild Anderstak, and John Wansewski, Teonspired as investigators with administrative support from Mary Both Buchanen, Paul Hull and Brendan T. Convey to perform an illegal arrest of Paintiff Banks. The arrest was supported by an alleged pickup of a Ur's Pickage which violated 18 USC 3061(5XI) Since postal inspectors are not unthorized to make arrests outside of post office matters. Because, obviously UPS is not part of the post office the arrest was illegal and violated the plaintiffs rights to be free from unreasonable secretaries and services. The US atterney and Hush's "instructed" the likegal arrest from though they know the inspectors could not legally place Banks underwrist under the Constitution. They also down the Banks violate from his primite drive to do an illegal "inventor all." Shortly thereafter the inspectors while investigating performed two Searches, one of Banks garage and one of his home. Since Postal inspectors under 39 USC 603 are not authorized to search garages are houses the Search was illegal which the defendants very well knew at the third two garages are houses the Search was illegal which the defendants very well knew at the third two garages are houses the Search was illegal which the defendants very well knew at the third two garages are houses the Search was illegal which the defendants very well knew at the third two garages are houses the search was illegal which the defendants very well knew at the third two garages.

were ordered by Brenden Convey, Paul Hell, and runny Beth Bechanen in their roles as investigators. Us festal inspections knew by performing the searches they were breaking the known by ciresting Binks they were breating the law and furthermore estopped probabits the Continued investigation of Bonks but the illegal investigation continued. These acts of illegally Searching and seizing Binks and his property was to tally unpeasurable as Binks had a legitime te expectation of privacy in his private driveway and home and the inspectors performing con investigation had no statutory or constitutional cultivity to water Bonk's rights. The inspecteus acked under the Tolor of law to degrice Bunkl of his toushte trunce rights and in doing so committed power abose. As the inspectors lodged Banks into Jail without the on therity to do so then forged a US murshal presoner remend document in furtherence of this elaborate civil confirming. The beforeauts obstanted the equal and important course of Justice because of the plaintiffs class based status in Pennsylvania as an African American.

Count Kil-XV

29. Paragraphs 1 through 28 we beneby incorporated by reference and realleged as if fully

set forth again.

30. By subjecting the plaintiffs to the above mentioned constitutional which occur because of the defendants personal and official pelicies the defendants acting under the colon of law defined the plaintiff of liberty property due process, equal protection, the right to be tree from unreadonable Searcheland Jerzwes, and the right to be free from theland unidoal punishment. The defendants cuted individually and in a confirming together to inflict perposetul injury on the plaintiffs.

31. The defendants actions were knowingly, malicious, intentional, and purposely down and Jamaged the prantiffs and as Such than are entitled to Jamages pursuant to the Fourth Arrandment, the constitution and 42 USE 1985 in the amount of \$ 25,000,000,000 and 42 USE 1985 in the amount of \$ 150,000,000.00 and princtive damages in the amount of \$450,000,000. totaling \$ 625,000,000.00.

Port E - Liebal Stander Defunction and Miscenduct

32. From on a word March 15, 2004 to October 16, 2004 Mary Both Buchman, and Poul Hull defined the Plaintiffs Exerciter and further soiled the reptation of the Plantitts by making face statements in a series of press releases, such as Branks was a fromdelint character and are of his "victing" Werren Po of Viciothuare, a Celorado reseller had in youd faith given Banks a business check". The business check" ho gave Bruks were in fact zounkyleit and the Jefendants were well aware of that fact. However, they continued to forward the boyus statements to the mode and in purhicular Torsten ove and the Pittshingh Post Greatle who reprinted the releasion at least

no freight eleventure exist and heavy freight items such as food trengly for thousands of innates must be transported in the elevators severe times daily.

62. Each ped has a prep kitchen but the prep kitchens one not used as a result the food is of kn surved and and the garms from the rodents of kn make immates sich. Since during meal times enough suice isn't lent, prepared and arrhin instead of calling the kitchen for more juice requires the suice by filing up the plaintiffs cup to just 1/8 of the way full. Since, meal trung one only heaten filled with food the cubi trung requiations of the suice courses immates stomaches to grow from lack of substanting.

63. The tables are retting out and many do not have covers.

64. The corpeting permentes with dry nothing fifth and must be replaced as it is the primary source for killer diseases such as Mas A which bequestly Kills and permenting damages inmike and officials at the building.

65. Earn Tell has hotel and cracks in the war ceiling and floors. Ting disease infected winged bygs, knots, mites and floor routinely enter the Tells through the hotel and leave bug bites on immutes. The bygs have infested the seil because the sewer drains are nover cleared and remain cloqued which does not allow bygs to escape. It one way in - no way out. 66. The tailets tan only be flushed once or time an down and the recycled water therein permits life threatening yerms to enter the talls. In Sun, the jail is an expessore that needs suit down. The defendants obstructed the equal and important townse of Joshie because of the plaintiffs Elussboard Status in Pennsylvania as an African American inmake.

Count XXV - Constitutional Violations

67. Peragophs 1 through 66 are hereby imorporated by reference and come realleged as if fully set for the again.

is by Subjecting Bounds to the life threatening howarded conditions cited above which occur because of the defendants official and personal periods and procedures , the defendants outing under the tolor of law to deprive Bounds of his constitutional rights infringed upon Bunk's to deprocess, to be free from cruel and unboard pensument, right to equal treatment and professions, and the rights of a pre-trial detained. The defendants actions in this elaborate civil confurring were willful; malacions, knowing, and intentional:

69. Because Bents has been subjected to these constitutional violations for over 13 months and most likely will be for another 12 months the defendants policies demaged him and he is entitled to demages present to the constitution and 42 Use 1983 in a fortesture sudgment to transfer currensings and the deed of 950 beautifured to Banks and demages present to 42 Use 1985 in the amount of \$566,000,000,000.00.

\$704,200,000.00.

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Part G - Liberty roopes

70. At all times material thomas No. Herdenein an individual is swed for his role in this vast and eluborate airl confincing that he pluned in procedural, administrative and investigative matters behind the scenes when he was not Sitting legally on the 71. bench as a judge. Defendant Hardman continued to make rulings as to

M2. The plantiff of the recognised on appearance of bias on February 23, 2005 and mathering recorded from the above captioned matter and 04-176.

73. His a result of the references actions The plaintiff lost 60 months of liberty, his personal possessions and his stature in the community.

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175. Defendant law clerk Devid Chebit wrok apmians and rubber stamped Zourt orders effecting Banks livelyheid with Thomas Hardmans signifure. The Defendants went boldly further and Simply ignored motion's such as Banks motion to proceed prose in 03-245 (bec. 100, 170) and his motion to dismiss the sentencing allegations that the Sypreme Court in Booker staked was improper and used an illegace sentencing redict against Banks.

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Defendants. The defendants obstructed the equal and important course of Justice belance of the pointiffs classed based status in permissivenia as an African American while acting under the color of law to deprive the plantiffs of constitutional Rights of the star tarmentum frickery.

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Injunctive relief

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St. The printiffs ' beek injunctive relief organist the Defendants to end the violations because there is a real threat the actions will continue since the plantiff is an incurrented African American under the demination and control of, as shown reckless theats of the four and imperhau administration of equal Justice under the limit of the Constitution of the United States of America and the violations continui again' and again with no and in site.

WHEREFORE, the flumtifts respectfully demand that Judgment be entired in the amount of \$19,844,400,000.00, a fortestive Judgment of the properties known as 3311 East-carson Street and 950 board Avenue and insurctive and declaratory relief to end the violations calong with costs and feel.

Respectfully summitted,

trederick H. Binier #120759 gro second the, Potton PA 15219 Finantiff

certificate of service I hereby certify that a true and correct copy of the amended complaint served vial mail delivery on thisday of, 2005, upon following; this proof of service is made under the penalty for perjury 1746;	the
1746;	

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Repretfully sum their,

trederick H. Binier #120779 950 Second Aue, Pettom PA 15219 Pinntiff certificate of service

I hereby certify that a true and correct copy of the amended complaint was served vial mail delivery on this 27th day of 50LY , 2005, upon the following; this proof of service is made under the penalty for perjury 28 USC 1746;

Paul Hull, Brendan T. Conway,
Dependment of Justice, United States
Of America, Mary Beth Bucharon Clo
Rebecca Ross Haywood, AUSA
400 US Counthouse
700 Grant Street
Pittsburgh, PA 15219

Timothy Pivnichny, John Dose Eric Strom Federal Bureau of Investigation 3311 East Carson Street Pittsburgh, PA 15203

David Anderchak, John Wisnewski, US. Post Office, USPIS 1001 California Avenue P.Hsburgh, PA 15290-4000

Cynthia Reed Eddy, Johnson + Eddy 1720 Gulf Tower 707 Grant Street P.HSburgh, PA 15219

Torsten ove, RHSburgh Post Gazette, 34 Blud of the Allies Bittsburgh, PA 15222 Dan Onorato, 450 Econd Avenue
County of Allegheny, Pennsylvania
Pamon Rushin, Calvin Light foot
Fred Rosmeyer, Mary E. Rushin'
Rocky Fowler, Henne, Albert bevin
210 Allegheny County Law best.
300 Font Pift Boulevard
Pittsburgh, PA 15219

Thomas M. Hardman, J. Smyder David Chobit PO BOX 1805 Pittsburgh, PA 15230

James A. THOMAS

Ames A. THOMAS

4632

950 Secont Ave

Polls. PA